

**ENVIRONMENTAL ACTION STATEMENT / SCREENING FORM  
FOR A SAFE HARBOR AGREEMENT (SHA)**

**I. Project Information**

**A. Project name:**

Safe Harbor Agreement for Gila Topminnow (*Poeciliopsis occidentalis occidentalis*) and Desert Pupfish (*Cyprinodon macularius*) on Lands Owned by The Nature Conservancy (TNC) acting through its Arizona Chapter, within the Aravaipa Creek Watershed (Agreement)

**B. Affected species:**

Gila topminnow (*Poeciliopsis occidentalis occidentalis*)  
desert pupfish (*Cyprinodon macularius*)  
spikedace (*Meda fulgida*)  
loach minnow (*Tiaroga cobitis*)

**C. Project size (in acres):** Approximately 2,200 acres

**D. Brief project description including conservation elements of the plan:**

The Nature Conservancy, acting through its Arizona Chapter, has applied to the U.S. Fish and Wildlife Service (FWS) for an enhancement of survival permit pursuant to Section 10(a)(1)(A) of the Endangered Species Act (Act). The requested permit, which is for a period of 20 years, will authorize take of Gila topminnow and desert pupfish (covered species). The proposed take may occur as a result of conservation measures implemented on the approximately 2,200 acres (891 hectares) identified in the application, draft Agreement, and associated documents within Graham and Pinal counties, Arizona. Conservation measures consist of fish population reestablishment; monitoring of effects of livestock, recreation, and prescribed fire; and monitoring reestablished fish populations in currently unoccupied habitats. The Applicant, in cooperation with the FWS, has prepared a draft Agreement that, when implemented, will provide a conservation benefit to the species and allow for take of the covered species.

**II. Does the SHA fit the criteria as described in the SHA policy? Yes**

**A. Are the effects of the SHA less than significant on the rangewide population of Federally listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?**

**Gila topminnow and desert pupfish:** Yes. The effects on Gila topminnow and desert pupfish are less than significant on a rangewide basis. Individuals will be translocated from existing captive populations or thriving wild populations and placed in unoccupied

habitats on TNC owned lands within the Aravaipa Creek watershed. The FWS and Arizona Game and Fish Department (AGFD) biologists will evaluate potential wild populations that may be used as sources of Gila topminnow and desert pupfish to ensure that these populations are not adversely impacted. The loss of up to 500 individuals from a source population should be alleviated by the reproductive capacity of these species. If the source population is determined to be unable to handle the impacts of removing 500 individuals, then a reduced number may be moved or an alternative source population will be used.

**Loach minnow and spinedace:** Yes. The effects on loach minnow and spinedace are expected to be less than significant on a rangewide basis. The locations proposed to receive Gila topminnow and desert pupfish are currently unoccupied, upstream portions of the watershed, so no direct impacts from the establishment of Gila topminnow and desert pupfish are expected. However, the potential for Gila topminnow and desert pupfish to eventually drift or be swept downstream by flood flows is high. It is unlikely that Gila topminnow and desert pupfish will become established in the downstream habitats due to the presence of non-native and native predator and competitor fish species in the downstream habitats and a lack of the slow, shallower habitats preferred by Gila topminnow and desert pupfish. If by chance a small population of Gila topminnow or desert pupfish do find adequate habitats and become established in the lower reaches of the watershed, differences in habitat preferences would limit potential interactions with spinedace and loach minnow populations.

**B. Are the effects of the SHA minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.)?**

The proposed actions under this SHA will be minor or negligible on other environmental values or resources. There are no impacts expected or conceivably possible on air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, or visual resources. No portion of this project will result in the disturbance of soil or cultural resources, and no emissions are expected. No structures shall be constructed nor will there be other changes to visual resources. Recreational values will not be impacted by this action. The proposed reestablishment sites are on one landowner's property, and the adjacent properties are managed by the Bureau of Land Management (BLM). Downstream habitats in Aravaipa Creek are not expected to be colonized, due to the lack of appropriate habitat and the presence of competitor and predator fish species. Therefore, no socio-economic values should be impacted. Downstream habitats are already occupied by the endangered spinedace and endangered loach minnow, so no new regulatory burden would be placed on these landowners should either Gila topminnow or desert pupfish become established on their property.

**C. Would the impacts of this SHA, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?**

No. The area is a rural/wilderness landscape with a few rural residential areas downstream of the project site. This project is consistent with existing land uses, and no changes in current land use or management is anticipated, either on private or Federal lands. Therefore, no significant cumulative effects to environmental or resource values are anticipated.

**III. Do any of the exceptions to categorical exclusions apply to this SHA? (from 516 DM 2.3, Appendix 2)**

**Would implementation of the SHA:**

**A. Have significant adverse effects on public health or safety?**

No. The covered species are not dangerous or known to be vectors of any human pathogens.

**B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?**

No. There is no construction, ground breaking, or any other destructive activity associated with this action.

**C. Have highly controversial environmental effects?**

No. The covered TNC property is surrounded by Federal lands managed by BLM. BLM is currently engaged in a section 7 consultation for a similar project on the lands they manage within the Aravaipa Creek watershed.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. Transplants and reestablishments of this type have been done in the past using standard fisheries techniques.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. Similar agreements are being drafted under the SHA policy, but each agreement is negotiated with the applicant and is individualized based upon the participants and the resource values included.

**F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?**

No. While this action is similar to a planned Federal action, neither action is likely to be significant in either individual or cumulative effects.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. The FWS is unaware of any sites within the Agreement's covered area listed or eligible for listing on the National Register of Historic Places. It is unlikely that any action under this Agreement would alter any such property to make it ineligible or harm an existing listed property.

**H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?**

No. The capture, transport, and release of Gila topminnow and desert pupfish will be consistent with established fisheries methods, and source populations will be assessed for potential negative impacts prior to capture. Smaller numbers of fish will be taken or a different source population will be identified if the population is not stable enough to act as a donor population. These fish will be placed in headwater sections of tributaries of Aravaipa Creek that are currently void of exotic or native predator or competitor fish species. No adverse effects are anticipated to spikedace or loach minnow, which are found in downstream reaches of Aravaipa Creek. No critical habitat is currently designated or proposed in the project area, and no alteration of habitat is proposed as part of this Agreement.

**I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?**

No impacts to wetlands or floodplains are anticipated. This is not a water development project.

**J. Threaten to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment?**

No. The necessary state and Federal permits are already in place to allow the capture, transport, and release of Gila topminnow and desert pupfish into this watershed in accordance with this Agreement.

#### IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement for Gila Topminnow (*Poeciliopsis occidentalis occidentalis*) and Desert Pupfish (*Cyprinodon macularius*) on Lands Owned by The Nature Conservancy (TNC) acting through its Arizona Chapter, within the Aravaipa Creek Watershed meets the qualifications for a SHA whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents (list): Safe Harbor Agreement

\_\_\_\_\_  
(1) Field Supervisor

\_\_\_\_\_  
Date

Concurrence:

\_\_\_\_\_  
(2) ARD - Ecological Services

\_\_\_\_\_  
Date